

roll No. 314. Had I been present, I would have voted "yea."

#### PERSONAL EXPLANATION

Mr. BARRETT of South Carolina. Mr. Speaker, due to a meeting with President Bush at the White House, I unfortunately missed three recorded votes on the House floor earlier today.

I ask that the RECORD reflect that had I not been unavoidably detained at this meeting, I would have voted "yes" on rollcall vote No. 312 (Motion to Suspend the Rules and Pass S. 858); "yes" on rollcall vote No. 313 (Motion to Suspend the Rules and Pass H.R. 2474); and "yes" on rollcall vote No. 314 (Motion to Suspend the Rules and Pass H.J. Res. 49).

□ 1400

#### CALLING ON CHINA TO IMMEDIATELY AND UNCONDITIONALLY RELEASE DR. YANG JIANLI

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 199) calling on the Government of the People's Republic of China immediately and unconditionally to release Dr. Yang Jianli, calling on the President of the United States to continue working on behalf of Dr. Yang Jianli for his release, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 199

Whereas according to the United States Department of State's 2002 Country Reports on Human Rights Practices in China, the Government of the People's Republic of China has "continued to commit numerous and serious [human rights] abuses", including "instances of . . . arbitrary arrest and detention, lengthy incommunicado detention, and denial of due process";

Whereas according to the 2002 Country Reports on Human Rights Practices in China, "the country's criminal procedures were not in compliance with international standards", "the lack of due process in the judicial system remained a serious problem", and "authorities routinely violated legal protections in the cases of political dissidents";

Whereas Dr. Yang Jianli, an internationally renowned scholar, prodemocracy activist, and President of the Foundation for China in the 21st Century, is an alien lawfully admitted for permanent residence into the United States;

Whereas Dr. Yang Jianli has been detained incommunicado by the Government of the People's Republic of China since April 26, 2002, when he was arrested for reportedly entering China with false or incomplete identity documents;

Whereas according to the United Nations Commission on Human Rights Resolution 1997/38, "prolonged incommunicado detention may . . . itself constitute a form of cruel, inhuman, or degrading treatment", which is prohibited by international law;

Whereas Dr. Yang Jianli has been deprived of his basic human rights by being denied access to legal counsel and contact with his wife and two children (who are United States citizens), and has also been denied his right to trial within a reasonable time or to release;

Whereas on May 7, 2003, the United Nations Working Group on Arbitrary Detention ex-

pressed the opinion that "[t]he non-observance of Mr. Yang Jianli's right to a fair trial is of such gravity as to give his deprivation of liberty an arbitrary character. Therefore, his arrest and detention is arbitrary being in contravention of Article 9 of the Universal Declaration on Human Rights and of Article 9 of the International Covenant on Civil and Political Rights"; and

Whereas the arbitrary imprisonment and the violation of the human rights of United States citizens and permanent resident aliens by the Government of the People's Republic of China are sources of continuing, grave concern to the House of Representatives: Now, therefore, be it

Resolved, That—

(1) the House of Representatives—

(A) condemns and deplores the incommunicado detention of Dr. Yang Jianli, and calls for his immediate and unconditional release;

(B) condemns and deplores the lack of due process afforded to Dr. Yang;

(C) strongly urges the Government of the People's Republic of China to respond to the repeated requests by Members of the House of Representatives for information about Dr. Yang's whereabouts and condition; and

(D) strongly urges the Government of the People's Republic of China to consider the implications for the broader relationship between the United States and the People's Republic of China of detaining permanent resident aliens of the United States without providing them access to legal counsel or family members; and

(2) it is the sense of the House of Representatives that the United States—

(A) should make the immediate release of Dr. Yang Jianli by the Government of the People's Republic of China a top concern of United States foreign policy;

(B) should continue to make every effort to assist Dr. Yang Jianli and his family while discussions of his release are ongoing;

(C) should make it clear to the Government of the People's Republic of China that the detention of United States citizens and permanent resident aliens and the infliction of human rights violations on these groups are not in the interest of the Government of the People's Republic of China because they create obstacles to improved bilateral relations and cooperation with the United States; and

(D) should reiterate the deep concern of the United States regarding the continued imprisonment of Dr. Yang Jianli and other United States citizens and permanent resident aliens whose human rights are being violated, and discuss their legal status and immediate humanitarian needs with the Government of the People's Republic of China.

The SPEAKER pro tempore (Mr. BASS). Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

#### GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think as every Member of this body knows, the PRC and its leadership in Beijing would love to be regarded as a respected member of the international community. In pursuit of that goal, however, the PRC has sought and obtained membership in the World Trade Organization; and it has lobbied and received the Beijing Olympics of 2008. However, trade volume alone, and there has been a great deal of trade volume particularly between the U.S. and China, is not really a measure of success, I would say to my colleagues. What really determines the quality of a country is how it treats its own citizens, and how it respects fundamental human rights.

History shows that some very unsavory regimes held the Olympic games. We all remember the Nazi Olympic Games prior to the Second World War, but holding a game, having trade, having the air of respectability does not necessarily mean that it is a respectable regime.

The government of Beijing has an enormous way to go, I would respectfully submit, to earn the international respect that it craves. The Chinese government, and I consider it to be a dictatorship, but if they really hope to earn respectability in the eyes of the world, they need to make some very needed fundamental changes, and there is a case in point that we raise today, and I thank the gentleman from Massachusetts (Mr. FRANK) for bringing this resolution before us today.

Dr. Yang Jianli is a compelling case. H. Res. 199, introduced by the gentleman from Massachusetts (Mr. FRANK) highlights the case of this U.S. lawful permanent resident who has been unjustly detained incommunicado inside China since April 26, not of this year, but of last year, 14 months. Mr. Yang was arrested for reportedly entering China with false or incompletely identifying documents, has been denied access to counsel, contact with his wife Christina Fu and their two children, Anita and Aaron, and his right to a trial within a reasonable time.

Frankly, Beijing remains more concerned about the research, at least that is our belief, that the internationally respected scholar Dr. Yang, who was conducting studies regarding labor unrest in China, rather than how he got into the country. It is all about what he was studying.

Dr. Yang's research points to the dark side of the Chinese economic miracle, the so-called workers' paradise, where the working class remains the main victim of unemployment and forced early retirement due to the restructuring of State-owned enterprises. That then is Dr. Yang's major sin in Beijing's eyes. He was documenting the anger of workers directed at party bosses mired in personnel greed and corruption despite their official pledge to serve the people.